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THE ROLE OF THE JUDICIARY IN SAFEGUARDING WOMEN'S RIGHTS

A Conference of the Supreme Court of the Islamic Republic of Afghanistan

22-24 February 2005

Under the auspices of medica mondiale e.V. and UNHCR



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Executive Summary:

medica mondiale and UNHCR provided an opportunity over a period of three days in February 2005 for members of the judiciary and their staffs to discuss problems and propose solutions having to do with their role in safeguarding women's rights. The following pages are a record of (1) speeches made by distinguished guests, (2) the major conclusions reached by the participants in five small discussion groups, (3) the main questions and answers raised by all participants in a general discussion, and (4) the Manifesto approved by all participants.

Because this is a record of the proceedings, the ideas expressed and facts cited should be considered those of the participants; medica mondiale can not attest to the accuracy of the information and opinions. The record will speak for itself (with allowances for the inevitable defects of transcription and translation), but the nature of the participants' discussion is as noteworthy as the recommendations expressed in their manifesto. Since the Afghan Constitution and national laws must be in accord with Islam, the participants discussed women's rights largely with reference to the Koran and Sharia law. Only occasionally did they refer to the Constitution, the national legal codes, or the international human rights and women's rights conventions to which Afghanistan is a signatory.

The discussion also ranged widely over extra-legal, extra-judicial issues—such as the need for mother/child health clinics or disarmament—suggesting that the justices understand the enormous difficulty of securing legal and human rights for women whose lives are enmeshed in the country's continuing struggles with insecurity, poverty, and the daunting tasks of reconstruction.

Nevertheless, the participants clearly saw that the judiciary must play a strong role in safeguarding women's rights. In the end, they unanimously presented nine recommendations to further that work. Taken together, the nine recommendations constitute an action plan for the Ministry of Women's Affairs, the Ministry of Justice and other concerned ministries. Implementing any one of the Manifesto's recommendations will advance the cause of women. The organizers of this workshop believe that whatever helps women helps their families and their country too.

Context of the Conference:

As all the world knows, Afghanistan is a poor country now struggling to recover from twenty-three years of war that brought uncountable disasters to the people. The most vulnerable people of this society are women. Not only were they deprived of their rights, but they were very deeply affected by the war. Thousands of women lost their lives during the war. Thousands become widows. Tens of thousands became disabled. Thousands suffered the death of their children.

Afghanistan now has a new Constitution and a modern legal system in addition to Sharia. Each system recognizes the rights of women. But it is a fact that while the laws acknowledge in principle that men and women have equal rights, in practice the law sometimes seems to become a barrier to equal rights for men and women; and the

government, the justice system, and the police have been conspicuously silent about the violation of women's rights through the practices of customary law and tradition.

Additional barriers stand in the way of achieving the objective of equal rights:
1. Lack of awareness of women of their basic rights.
2. Lack of education for women. Ninety percent of Afghan women are illiterate.
3. Male domination and control of women, and women's beliefs that men have a right to be in charge, that women must obey, and that it is morally wrong for women to seek rights of their own.
4. Failure of society to accept that men and women have equal rights.
5. Failure of social organizations to support women.
6. Unavailability of substantial work for women in government civil service.
7. Lack of significant roles for women in productive labor processes. Family appropriation of women's earnings.
8. Lack of women's involvement in decision making in economic and cultural issues.
9. Failure to disseminate information about women's rights in the schools and the media.

It is also important to consider the big difference between the lives of urban women and rural women. Many urban women benefit from having gained some of their rights. But a survey of the majority of the people of Afghanistan who live in the provinces will show that provincial women do not enjoy the benefits of their rights. We must consider the legal problems of these women.

The Role of the Judiciary in Safeguarding Women's Rights

Objectives of the Workshop:

This workshop, offered by medica mondiale e.V. and UNHCR, follows upon workshops on women's rights previously conducted by medica mondiale in Herat and Mazar-i Sharif. It is the next step in an ongoing discussion with the judiciary to reconcile the law and women's rights. It offers opportunity during the three days of the workshop for members of the judiciary and associates in the justice system to exchange ideas, and specifically to identify problems they face in fulfilling their judicial responsibility to insure justice for women and girls who are charged with crimes or are the victims of crimes, and to propose solutions to those problems.
This workshop is meant to be helpful to the participants and beneficial to the future of Afghan women.

The goals of the workshop are:
- To improve legal knowledge and procedures so that justice for women and girls may be realized.
- To develop an action plan for use by the Supreme Court and the Ministry of Women's Affairs as they work to safeguard women's rights.

Method of the Workshop:

After the openings statements by our distinguished speakers, discussions related to the law and women's rights were conducted in five groups. Each group discussed two predetermined topics, proposed solutions, and offered comments. The discussion in each group was moderated by an experienced facilitator well versed in issues of women's rights. Each group first discussed and identified problems in Kabul and the provinces. The most important problems, according to general agreement of the group members, were recorded and appear in this record of the proceedings. Except in one or two groups where some men dominated the discussion, all members of the groups participated and contributed ideas based upon their professional experience. Participants had been reminded at the outset that they bear professional responsibility to participate actively in discussing problems and searching for solutions for the good of our society.

A general discussion followed the reports of the five groups. The reports of Groups One and Two were accepted without question by all members of the workshop. The reports of Groups Three, Four, and Five elicited questions from other participants and led to general discussion. Following that discussion, all workshop participants cooperated to produce and approve the manifesto that appears at the end of this report.

Agenda of the Workshop:

Day One:	Speeches by Distinguished Guests
	Group Discussion: First and Second Rounds
Day Two:	Group Discussion: Third, Fourth Fifth and Sixth Rounds
Day Three:	Presentation of Group Recommendations
	General Discussion
	Preparation and Presentation of Workshop Manifesto

PART ONE: Statements of Distinguished Speakers

Abdul Malik Kamawe, General Chief Administrator of the Judiciary of the Supreme Court of the Islamic Republic of Afghanistan

First of all the directors of the courts would like thank all participants. As you know from the title of the present workshop, the discussion well concern two main issues: Women's rights and judicial processes. The discussion of these two issues is very important. Through this discussion it is possible that we can find better and more practical ways to safeguard women's rights in society.

Workshops such as this play a very important part in improving the rights of many different groups of people, and this workshop will certainly help in safeguarding the rights of women. Now, as we open the workshop, we hope that as a result of the group work by all the participants we can bring a positive change in the protection of the rights of women, a particularly vulnerable and long-suffering group in our society.

Shakhul Adise Alhaj Qayzawat pow Abdul Hadi Shinwari, Chief Justice of the Supreme Court of the Islamic Republic of Afghanistan

It is mentioned in the Koran that human beings are created from the dust and none is better than another. We see that in the Islamic religion and the Muslim's holy book there is no difference between men and women regarding their rights, and they have been equal from the creation.

The Koran says that a Muslim woman should manifest three characteristic behaviors.

1. She should pray.
2. She should give satisfaction to their husband.
3. She should avoid committing *zina* or other bad acts.

If these three behaviors can be attributed to a woman, she is in a better position than a man who has fewer Islamic obligations; and without doubt this woman will enter into paradise. The Prophet Mohammed has said the best human is that one who practices good, flexible, and fair behavior with his wife in his family. The Prophet also took this obligation seriously and followed this behavior with his own family.

Islam has a positive outlook on woman, and her position is good in Islam. Men are reminded that the two most important things they must cherish and pay attention to are women and the Koran. Looking after these things is the job of the Muslim man.

About Afghan women's rights we should say that if our Afghan women want the same rights as Arabic and American women, this is definitely unacceptable because it would be against our Islamic roles and against our Afghan custom. Because the protection of the Islamic religion is incumbent upon every Muslim, Afghan women should seek their rights according to the Islamic religion and within the framework of Islam.

There are two kinds of customs in Islamic society: one is corrupt and harmful custom and the other is admirable custom. The behavior of some men against women follows corrupt custom, and it is against Islam as well. Corrupt custom is not included in Islam—for example, giving women in Bad, depriving women of their right to determine their fate, depriving women of their right to education and work, and so on. That is all corrupt custom that Islam did not foresee.

In conclusion, I say again to women that your rights in Islam are safe, and woman should save themselves in Islam.

Abdul Wakil Omari, Head of the Publications Department of the Supreme Court of the Islamic Republic of Afghanistan

The most important point is that Afghanistan is a traditional and historical country and throughout our country's history, women have been respected as an important part of society. When the Arians migrated to various places in the world, they practiced equality for women and gave them a high position. Before Islam, it is clear that everyone in Arabia lived in ignorance and foolishness. This ignorance affected women rights, and history witnesses that the people did many cruel things to women,

such as burning them alive, selling them like animals, and so on. But after the spread of Islam, day by day the disaster of ignorance was removed from Arabia and replaced by equality, respect, and a good position for women. It seems that the Prophet of Islam also pointed to women's rights and paid attention to women's education, and he advised the Muslim people not to discriminate between girls and boys regarding their importance and their needs.

Bahawdin Baha, Director of the Justice Commission

I would like to say some words about women's position in society from the viewpoint of Islam. Women have an exalted and brilliant position in Islamic societies because woman is the first teacher of all human beings. For example, when a human being is in the uterus, it feeds from the blood of the woman, and when it comes into the world it feeds from the breast of the woman. The mother is the first leader who leads her child to walk for the first time. The child's first instructor is the mother, and she then presents the child to society. Woman is the first guide of the society.

The equality of the rights of men and women is clear, and in Islam there is a deep and long discussion on women rights. One matter insisted upon in Islam is service to humanity. We may serve humanity by working for its improvement through useful activities. Fortunately, women are happy and pleased to do this—for example by taking up the job of teacher, judge, doctor, and so on.

Some of our sisters who have the job of judge work on safeguarding women's rights, and they help man in this way. Today our sisters are half of our society, and they help men in the different sectors of life. In addition to this, they also have big responsibilities as mothers. Now today we are proud of them and proud that in our society we have such intelligent and honest judges. They make decisions according to our rules and regulations, and they fight to safeguard the rights of women.

Mahboba Huquqmal, State Minister for Women's Affairs and Professor in Kabul University

I am impressed as I talk about woman that they are half of our population. Every aspect of our culture recognizes the importance of the family, and of the mother who has the best role in a family. All natural laws give importance to the family role and think this order is necessary. In the ignorance of Arabia there were no rights for women, but Islam gave many rights to women. Just as the family is the foundation of the society, woman is the most important person in the family; so she has an especially important position in society.

The family is the focus for emotional growth. It is essential that girls grow up in the family to realize their potential to be good and skillful mothers for the future.
It is regrettable that limitations and barriers to the realization of girls' potential are still to be found in harmful customs that sometimes are mistaken for Islam. They oppress girls and women and deprive them of their rights. Nowadays most Afghan families make a distinction between boys and girls. They prefer a boy to a girl. We

can say that this preference and the denial of women's rights are part of a defective culture that grew out of corrupt customs practiced among the people. We can see that Islam itself has no defects; the defects lie in the life of Muslims.

Islam is a complete religion that includes all issues of human life and without any difficulty leads people through the different issues of their life. To remove judicial barriers against women in the society and solve the legal problems of women we need to follow Islamic guidelines. There is no need to promote foreign culture because in Islam we see no discrimination against women. But we should start the correction of our customs ourselves. For example, we have noticed that in many instances it is thought to be wrong to mention the name of a woman or the name of one's wife. When a man goes to a doctor to get a prescription for his wife and the doctor asks the wife's name, the man will give instead the name of his son or himself. But Islam does not give this instruction; the names of the Prophet's wives were well known in his time and still are clearly known in Islamic books.

Another point that we should care about is that we should not give women merely a symbolic role in society and think of them as unimportant creatures. Rather, to raise the awareness of all our people we should explain women's rights and give to women their just rights according to Islamic law.

Today in the courts we see cases of women, but the courts don't apply the law properly and deprive them of their rights. Both the courts and the women lack awareness about women's rights and look upon them as unimportant. Now to help women overcome this problem we need counseling centers and social workers to provide women with rights awareness education. In addition, women should be educated through the media and the press so that they can fight to gain their own rights.

Dr. Masuda Jalal, Minister of Women's Affairs

Dear and respected Judges and Director of the Supreme Court of Afghanistan:
I am pleased that in this scholarly and thoughtful atmosphere the condition of women will be considered and women's rights as human rights will be discussed together with the role of the judiciary in our country. I express the viewpoint of the Ministry of Women's Affairs regarding the main difficulties and especially the legal problems that the women of our country face and the ways of overcoming these problems.

Our Afghan women have passed through very difficult situations in the political and social conditions of the past years. Especially during the political period that ended only three years ago, women experienced the worst conditions in Afghanistan. But if we set aside the political arrangements, we can say that the root of women's problems and the loss of her rights in Afghanistan is the practice of improper customs. Therefore, the betterment of women's situation and the recovery of women's rights depend upon making positive changes in customs and traditions.

The customs and traditions of a country are created in the long term over the centuries, and for this reason they are not easy to change. As we see there are some positive changes in the political atmosphere of our country at the present time, but

still the failure to consider women and the violation of women's rights and the waste of human potential continue. Let me point out some of the legal and judicial difficulties of the women of our country.

1. The general attitude of society toward women is not a fair attitude. Women are thought to be below men. They are considered second class people and the property of men, intended only to serve and obey men. They are not thought to have human potential, human rights, or lawful human freedoms. It is a bitter fact that over time these beliefs became a part of our social customs and traditions and even appeared in incorrect translations of the Koran.
2. One of the reasons for family violence, which acts against woman's human potential and development in all its physical, psychological, sexual, social, cultural, and economic aspects, is harmful custom and tradition. This is coupled with a low level of social development and great deficiencies in the legal and judicial system of the country.
3. Violence against women is imposed on women in the parents' house, the husband's house, and by the husband's relatives. Violence against women is imposed by the family environment and by the social and political environment as well.
4. One of the main reasons for the increasing oppression of the Afghan woman and her inequality is the ignorance and lack of awareness of men, women, and the judicial system about our national laws and the international rules and regulations that support human development and women's rights.
5. Woman in the family has many problems, such as the lack of any right to choose her marriage partner or her future life, the lack of any marriage contract, the lack of safeguards for *mahar*, the lack of choice in association, and so on.
6. All over Afghanistan different kinds of illegal marriage are still being carried out, such as child engagement even before birth, marriage of girls at early ages between nine and fifteen and even less than nine years old, and so on.
7. One of the worst problems of Afghan women that still continues is the forced marriage of the widow with their husband's relative and her lack of freedom in choosing her fate and future life.
8. The nonexistence of a national system for registering marriages and divorces is itself a kind of deprivation of human rights. So too is women's lack of access to the judicial system.
9. There are no family courts in provinces, towns, and districts as part of a national judicial system that women can access easily. This is a great deficiency in the judicial system, and this deficiency allows the spread of violence against women.
10. According to the viewpoints of women, family law, human rights, and Islamic law, there are many problems in most of the laws of the country. The laws do not consider the reality of the family and social life of women.
11. Normal, traditional ways for women to enter the courts and gain access to the judicial system do not exist. Or at best they are very weak. Custom and tradition are the most important barriers to establishing regular acceptable ways for women to access the courts and the judicial system.
12. There is no tradition of women asking for divorce in this culture, even in cases where they have terrible lives within the family; and no good description of proper procedures is forthcoming from the judicial system or religious authorities to raise the awareness of the people.

Here are some suggestions that judicial and government systems should consider as ways of reaching solutions for Afghan women's problems.

1. Government should take seriously and make it a policy to apply the Constitution as it regards women, the civil laws and other national laws and international laws regarding women.
2. Government should wage campaigns through religious authorities, media, private media networks, radio and TV, workshops, seminars, and Friday prayers in the mosques to make positive changes in the culture regarding woman and to eliminate violence against women.
3. There should be a deliberate policy for perfecting the laws of the country from the viewpoint of women's rights and human rights.
4. We should take some steps to complete and improve the judicial system of the country. For example, for the judicial safeguarding of women, we should establish one family court in each district and town.
5. We should continually provide effective courses for the staff of the judicial system regarding human rights, gender, and law.
6. The judicial system should specify and apply punishments for such offenses as violence against women and different kinds of illegal marriage such as forced marriage and child marriage.
7. We should develop effective training programs for the members of *jirgas* and local *shuras* regarding human rights and especially women's rights.
8. We should make it possible for more women to join the judicial system and the police.
9. To secure agreement in the conduct of our judicial system between the laws of our country and the United Nations Charter, the Universal Declaration of Human Rights approved in 1948, the Cairo Declaration of Human Rights in Islam, the International Treaty of Civil and Political Rights, and the Convention on the Elimination of All Forms of Discrimination Against Women approved in 1979, and all international conventions that Afghanistan is a party to, we need to establish specific mechanisms and apply them effectively.
10. Courts should spread the rule of national law and limit the capacity of the *jirgas* and local and national *shuras.*
11. The government should increase the access of men and women to education in the academic sector and also take serious steps to improve the culture and customs.
12. It would be wise to teach women's and family rights in all schools and universities and to establish a family rights department in the faculty.

In conclusion, I want all judicial organs and structures and also all cultural and scientific and religious structures and the entire nation to try to eliminate violence against women and to improve our national culture. I want all government and non-governmental structures, national and international institutions, and human rights organizations to cooperate with us in this effort.

Zamin Ali Basudi, Member of the Criminal Department of the Supreme Court of the Islamic Republic of Afghanistan

In my opinion women and men are joined in legal equality. If we look at family rules and regulations, we will see that Islam has given more right to women in the family which is the base of society. The men's and women's rights are considered equal. Fortunately, since I became a judge, I have not faced many cases of crimes against women. If there are cases of crimes against women, they are very limited.

Women have been deprived of their rights, and during the last two regimes discrimination against women was very severe. But in some places we find that women have not been completely deprived of their rights. In Afghan families woman has the greatest responsibility, and this is also a kind of sacrifice of woman for her family and society.

Why is violence against women continuing? And why have we hidden the rights that have been given to women by God and the Prophet? The continuation of old customs will damage the prospects for safeguarding women's rights. In my opinion we should stop these customs as soon as possible.

Fortunately, since 1964 the situation of women has been improving. One example is this workshop that shows the serious steps of scholars to improve the legal situation of Afghanistan's women.

Judge Uzra Shirzad Assan Zoi, Member of the Security Department of the Supreme Court of the Islamic Republic of Afghanistan

By the permission of dear sir Shinwari, Director of the Supreme Court of the Islamic Republic of Afghanistan, respected judges, and dear guests:
Let me congratulate you on taking part in this workshop on the role of the judiciary in safeguarding women's rights. As a female judge of the Supreme Court, I would like to express to all women and friends my point of view on the role of the courts in safeguarding women's rights and the effect of the failure of this system to take care of women's rights in the society. In this workshop we would like to talk about ways of improving and safeguarding women's rights which have met with lots of political, economic, and social problems, and I hope you will bring your interests to this academic discussion.

We all know that in the history of humanity, women claimed their human rights. But women's place in society is weak, and they have always suffered from oppression. Violation of women's rights does not happen accidentally. It has gone on for a long time and brought women many disasters. If we say that women make up half of society, let's analyze to see how a society might fare if half of its members were deprived of their rights. The answer is clear: this society will never prosper without women because men and women are two creatures who deal with all of life's difficulties together.

When we look at the progress of legal history, it is clear that the legal position of women depends upon political, social, legal, economic and cultural structures that give less importance to women, even though women carry the heavy load of social life right beside the men. It is necessary that political and legal structures be transformed in keeping with the Constitution and other documents that support the legal rights of women and other rights related to the family. Most of the democratic changes in our political structures led to improvements in these rights, but not as much as the society and women want. This experience clearly shows that the improvement of women's legal rights directly depends upon the government and the political structures of this society.

Without doubt, during the last three periods of our history, our Afghan women have passed through many disasters and great oppression; they have made sacrifices and many of them have been abused by force. And we should not forget that this oppression continues today, for example in forced marriages. When we look at the practices of corrupt customs, we see the terrible facts of this oppressed female half of society. To save women from the oppression that day by day spreads in the minds of people, affecting the fate of our women and creating many barriers to their prosperity, we need to make clear the rights of women.

To devise appropriate structures to safeguard women's rights in the society, we must keep in mind the following points.

1. In every human society there is a government administration, and in the political, social and economic structures of the government, women have the main role in determining and safeguarding women's rights.
2. The Sharia law and our admirable customs and traditions should be respected, but our improper and harmful customs should be combated.
3. Legal and proper administration should be established to work systematically with professional skill against different kinds of crime and corruption.
4. Special laws and offices should be established to determine and safeguard the rights of the family and to resolve disputes, and bring order into family relations.
5. Special family courts should be established beside the general courts in the provinces, first of all to help clarify women's rights in society. These courts should work impartially for the judgment of cases. We should not have special courts bound to the defense of women rights, but all courts should judge correctly in terms of women's rights. We should always obey the law and look for facts. Only in this way—by using the law—can courts maintain their impartiality. Otherwise not only the courts but all other governmental structures as well will be unable to fulfill their great responsibilities.
6. Finally, a general review and analysis of the judicial process can remove some problems that courts now face in applying the laws.

The betterment of women's situation depends upon positive changes in culture and tradition. Removing the barriers and opening the way to the success of the special family courts can be done. Without doubt, this is a problem that government can solve by building a good legal structure. I also want to mention the important role of civil society—including all social organizations, impartial national structures, and non-governmental educational, scientific, and academic research centers—in building a structure for the defense of women's rights.

PART TWO: Group work

GROUP ONE
Topic 1: Women's Rights in the view of Islam

Women's rights in religions before Islam:
1. In Indian religions and law: Women did not have any rights, and after the death of her husband, the wife was burned. This was the custom until the 18th century.
2. In Roman religion: It was believed that a woman is a body without a soul, and her husband is the owner of her life and death.
3. In Greek law: Women had no right to property. Women were kept in darkness. The philosophers Aristotle and Plato gave few rights to women. Plato taught that woman was property kept only for the purpose of producing the next generation, and that she had no political or economic rights.
4. In French law: in 1207 a meeting took place to discuss the question of whether or not woman is a human being. It was concluded that woman is a human being, but that God created her for the service of man.
5. In British law: Women were denied the right to read religious books. Until the 17th century women were deprived of their rights, and women in different religions were subjected to different tortures.

Islam opposed all these ideas and gave rights to women. It is written in the Koran: "O mankind! Reverence your Guardian-Lord, who created you from a single person, created, of like nature, His mate, and from them twain scattered like seeds countless men and women; reverence Allah, through whom ye demand your mutual rights, and reverence the wombs that bore you: for Allah ever watches over you."
The Koran also says that paradise is under the feet of the mother. If a mother is not satisfied with her child, the child will be unable even to smell paradise. In another place, God says that he has hired two angels to register what a person does. Those who do good are good Muslims. It is good that men and women are good Muslims, and as we see half of this good Muslim society is women. God says that woman is the clothes of man, and man is the clothes of woman; and that in itself shows the equality of their rights.

Islam is a perfect and complete religion. The main rights Islam gives to women are as follows:

Political rights:
Women have the right to vote. They have the right to participate in politics. For example, in the time of Omar a woman took part in a *shura* and had the right to give her opinions and to vote. This shows that women can participate in *shuras* and parliaments and meetings to defend their rights and bring change for the benefit of women. Women did not have this right before Islam. The Koran includes many verses about women's rights. In one place it is mentioned that the Prophet consulted with his wife Aisha who was teaching Islam to other women. This in itself shows that women at that time had political rights in Islam.

Economic rights:
Women have the right to do business and engage in trade. They have the right to give alms, to make the Haj, and to make religious sacrifices. They have the right to engage in all transactions. These are rights that women didn't have before Islam, but Islam provides these rights for women.

Cultural rights:
Women have the right to establish associations and participate in cultural activities within the framework of Islamic law. They have the right to social life, the right to employment, the right to marry and to select their husbands, the right of *mahar* (a predetermined payment in the event of divorce), the right to terminate an engagement, the right to the protection of a child *in utero* (when the mother has been charged with a crime), the right of inheritance, the right not to pray when there is a lawful reason for not doing so, the right to divorce according to the procedures of Shariah, and the right to refrain from fasting when pregnant.

Topic 2: What are the obstacles to implementing women's rights?

Barriers to applying women's Islamic rights in our country:
1. Inability to enforce judicial orders throughout the country.
2. Lack of awareness of Shariah law and the laws of Afghanistan.
3. Failure or refusal to attempt to apply women's rights.
4. Refusal to acknowledge women's rights.
5. The practice of harmful and unlawful customs.
6. Lack of sufficient education in society.
7. Interference of others in family affairs.
8. Lack of security: the prevalence of weapons and violence.
9. Poverty.

We can say that in Afghanistan women's rights have been trampled. To rehabilitate these rights we should establish committees to review the rights of women in the community, and we should apply these rights in practice rather than just keep them on paper. In this workshop too it would be useful to apply our conclusions in practice and look for practical solutions that can be passed on to the government and the president.

Regarding the keeping of multiple wives, not everyone can preserve equality among them as the Prophet did and required others to do. Because of their own selfish wishes and demands, men may destroy many lives; instead of marrying a widow to protect her they marry a fourteen-year-old girl and forget the first wife altogether. This is against our Islamic law and the tradition of the Prophet.

Proposed solutions:
1. Increase social awareness of women's rights.
2. Apply Islamic law and the laws of the country.
3. Provide possibilities for the improvement of women's condition.
4. Give education about women's lawful rights through mullahs in the mosques and through the media.
5. Employ scholars and religious authorities to work on women's rights.

6. Provide literacy courses and jobs for women for the improvement of their family economic situation.
7. Combat harmful and corrupt customs in society.

Comments:
1. The Ministry of Pilgrimage should work with religious scholars and mullahs preaching in mosques to safeguard women rights.
2. The Ministry of Education should teach the subject of Family Rights in the schools.
3. The Ministry of Information and Culture should broadcast information about women's rights in their programs on TV and include the main issues regarding women's rights in dramatic programs.
4. The Ministry of Women's Affairs should establish women's *shuras* and counseling centers in the provinces, and they should be led by experienced and active women.
5. The Ministry of Justice and the Supreme Court should establish family courts in the provinces. They also have responsibility to negotiate, discuss, and provide other facilities needed to apply civil rights in Afghanistan.
6. The Ministry of Justice and the Supreme Court should set up seminars to share ideas on scholarships for personnel to travel out of the country.

GROUP TWO

Topic 1: Types of legal problems of women

1. Women's lack of awareness of their rights and responsibilities.
2. Men's lack of understanding of women's Islamic and legal rights and responsibilities.
3. General lack of education.
4. Women's lack of access to legal and judicial systems.
5. Non-existence of female staff in police, courts, and other institutions in the provinces.
6. Non-existence of organizations to defend women's rights in the provinces.
8. Lack of girls' schools in the provinces.
9. Lack of health care structures for women and for mother/child health.
10. Lack of jobs and lack of access to jobs for women; family refusal to grant woman's right to work.
11. The sovereignty of harmful and unlawful customary practices and "laws" in the provinces .
12. Denial of women's right to offer opinions and make decisions in family affairs .
13. Family discrimination in favor of boys over girls; family denial of the right of girls and women to choose their own husbands.
14. General failure to observe Islamic laws regarding women's rights.
15. Lack of respect for women and girls within families.
16. Failure to respect and apply the laws of Afghanistan in many parts of the country.
17. General practice of depriving women of women's rights in the family and in the society.
18. Non-existence of women's *shuras* in the provinces.

Topic 2: Are the problems in the law or in its implementation?

Problems in the law:

1. Lack of clarity in the law on some points such as escape from home, various forms of suicide (self-immolation, poisoning, falling from high places), and so on.
2. Lack of clarity in the law regarding arrest, imprisonment of women, and resolution of cases.

Problems in applying the law:

1. Non-existence of female and male staff and courts in the provinces.
2. Lack of security and public order.
3. Administrative corruption.
4. Failure of the executive to cooperate in protecting the judiciary and advancing the rule of law.
5. Pressure and illegal interference in judicial matters by governmental and non-governmental organs.
6. Predominant practice of harmful and unlawful customs in the society.
7. Refusal of some profiteers and uneducated people in the society to respect and obey the laws.

Proposed solutions:

1. Increase awareness of family members, both men and women, regarding their rights and responsibilities to each other and to society according to Islam and the laws of the country .
2. Establish and increase the number of schools for girls.
3. Establish family courts in the provinces.
4. Train and employ professional staff, both men and women, in the police and courts.
5. Provide more defense attorneys and legal aid.
6. Establish structures to defend women's rights.
7. Establish female clinics and polyclinics for mother/child health.
8. Remove barriers to jobs for women, provide work facilities, encourage women through counseling, and enlist leaders of the *jirga* and mullahs preaching in the mosques to inform people about customs that are admirable and those that are harmful and unlawful.
9. Provide information about women's rights in Islam through scholars, well known people, and leaders of civil society.
10. Increase awareness of family members regarding women's rights in Islam through the press, media, mosques, mullahs, religious scholars, and civil society organizations and also by seminars, workshops, and local women's *shuras*.
11. Carry out disarmament, remove commanders from positions of leadership, and strengthen the rule of law through governmental and non-governmental organs.

Comments:

Suggestions for the government:

1. Establish security.
2. Disarm irresponsible persons.
3. Stop administrative corruption by punishing violators.
4. Remove prejudice against women through education and inform the public by sending mobile groups to villages and towns. Ministry of Women's Affairs and Ministry of Pilgrimage.
5. Offer seminars and workshops about women's rights in Islam and law in the provinces through the cooperation of the Ministry of Women's Affairs and the Ministry of Justice.
6. Establish job facilities for men and women. Ministry of Labor.
7. Build mosques for women. Ministry of Pilgrimage.
8. Offer legal and law information through the media. Ministry of Information and Culture.
9. Build safe houses for vulnerable and endangered women, and look for solutions to their problems. Ministry of Construction and Ministry of Women's Affairs.
10. Control the price of goods. The Municipality with enforcement by prosecutors and the Ministry of Interior.
11. Train and employ local midwives at the village and town level. Ministry of Health.
12. Distribute land to people who need it. The Municipality.
13. Increase the salary of judges and their staff members.

Suggestions for the government and non-governmental organizations:

1. Insure correct expenditure of donor funds under the supervision of the government.
2. Send Afghan students abroad for higher education through the government with the cooperation of the educational institutions.
3. Increase the awareness of professional staff through courses offered by UNICEF, Nebraska, Asia Foundation and other organizations.
4. Increase awareness of the legal community by offering workshops and seminars on the law and legal work.
5. Build schools, clinics, and water systems in villages and towns.
6. Build main and secondary roads.
7. Provide electricity in Kabul and the provinces.

GROUP THREE

Topic 1: Customs negatively effecting women's rights.

Before we talk about customs which not only have negative effects on women's individual and social life but also stand as barriers to the improvement of society, we must talk briefly about the roots and historic development of such negative customs in other societies. The evaluation of woman's terrible position in non-Islamic societies shows the importance of her position in Islamic society.

In Greece: Greece was considered a civilized country, but still women were deprived of any capacities. They had no freedom and were sold like commercial goods. They had no right to inherit.

In Rome: Women were exposed to pain and problems. The Romans heated cooking oil and burned women with it; and they dragged them behind horses as a form of punishment.
In pre-Islamic Arab society: Girls were buried alive in Arab societies for social and economic reasons. Historians say that if there was a war between two tribes, the conqueror kept the losing tribe's women by force; and fear of this result caused fathers to bury their daughters alive. Arabs believed that boys benefited them even if they were ignorant while girls only created problems. Therefore, girls were permitted only to serve their husbands and suffer.

The holy religion of Islam has brought great changes in women's living situation. It has declared its teaching on important issues related to marriage. It says that if you believe in the Koran and the Prophet, you know that it is not allowed to take the inheritance of women or forcibly marry them. You have no right to do so unless they agree. The holy religion of Islam rooted out all the fundamental problems, superstitions, and unlawful customs of the past, and it gave women the social and civil rights through which they lived peacefully. Women were able to participate in social, economic, and political affairs of a country. They were also authorized to be decision makers in their personal affairs.

Although forcible marriages and exchanges of girls are not in keeping with Islam, unfortunately they are still taking place in Afghanistan as customary practices. These practices are against the law, but because the law is not followed, the practices still take place. For example, according to Article 517(2) of the Penal Code, the giving of a daughter in compensation is a crime. This is clear, but it is also clear that the law is not applied against the unlawful custom. Briefly we can name the unlawful customs that have negative effects on women: forced marriage, taking widows as inheritance, taking multiple wives, giving girls in *Bad dadan* (compensation), and every other kind of tradition that causes violence against women. We should mention that these unlawful traditions have a terrible history in the society; they often caused women to run away from home, to commit suicide by burning themselves or using other methods, and many other disasters. This is the inevitable damage to a society that paralyzes half its people. So we should fight to safeguard the rule of law and to eliminate unlawful customs and work to improve the cultural level of society until the people themselves reject the negative customs.

Topic 2: Do these customs have any connection to Islam?

1. What is to be done about giving girls in *Bad* (compensation)?

> Giving girls in bad is a crime according to the law (Article 517(2) of the Penal Code). The law should be revised to make it effective because we never see it enforced; and it should also provide for punishment of the person who committed the original crime. The people should be made aware of these laws and correct procedures through *jirgas* in the towns and villages, through the cooperation of the mullahs preaching in the mosques, and through information included in school textbooks.

2. Do widows have the right to choose or reject marriage freely under the current laws or not?

Regarding the widows, we should say that they have the capacity and the right to a second marriage, and according to Islam they are allowed to make a second marriage contract.

3. Is it lawful to arrange a marriage in childhood or sometimes even before birth?

Engagement in childhood or before birth is not lawful. Families should be careful not to take this unlawful action. The mullahs should inform the people about this matter.

4. Are forced marriage and early marriage lawful?

Child marriage and forced marriage are clearly forbidden under Article 70 and in the second item under Articles 70 and 71 of the Civil Code.

5. From the point of view of Islam, what is the appropriate amount of money (*toyana*) to be taken before marriage?

According to Islam the practice of *toyana* is an unlawful tradition, and it is a great hardship for poor families.

6. Does Islam authorize the excessive financial expenses (*Eidy, Baraty*) called for by our traditions from the start of engagement until marriage?

The old custom of spending too much money on engagement and marriage, which brings financial problems to families and prevents some young people from getting married, is forbidden according to Islam because Islam is a religion of equality and opposes unlawful lavish and wasteful expenditures.

7. Exactly what kind of veiling is (or is not) required of women by Islamic law and customary law?

Hijab in Islam is mentioned in the Koran, but not the extreme kinds of veiling required by the Taliban (*burqa*) or some foreign countries. The Koran also mentions the same modesty of dress for men. The Koran is very clear about *hijab*. Going to extremes is rejected in the holy Koran, so wearing the *burqa* should not be enforced. It is only a tradition. Wearing the *burqa* is harmful to women; it makes the eyes weak.

8. How many wives is a man allowed to take according to Islamic law and customary law or tradition?

It is written in articles 86 and 88 of the Civil Code that a man may take four wives. It is also written in the Koran that a man may take up to four wives, but only with several specific stipulations. In Afghanistan men like to have more wives and children. But in the criminal laws of Egypt and Iran, a man who hides the fact that he has a wife when he takes a second wife is subject to two years

imprisonment. In Iran there is an office that registers all marriages, and we hope to have such a register in Afghanistan too.

9. What are the regulations governing inheritance according to Islamic law?

Inheritance is the one of the rights of a woman, and anyone who takes it from her should be punished.

Comments:

Violence against women by men in their private life and in social life is contrary to human rights, law, and religion. Legal awareness of this matter must be raised because violence against women is the cause of great problems in our society.
Violence against women and the effects of unlawful customs have existed for a long time in human history. Afghan women are the most oppressed part of this country. They suffer consistently from inequality, and they are restricted from becoming full members of society.

Proposed solutions:

1. First of all, government is responsible for eliminating violence against women and unlawful customary practices through the rule of law as represented in the Constitution, with Islam as its original basis, other national rules and regulations, the commitment of Afghanistan to the International Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the conduct of the judiciary.
2. For the improvement of society the government should consider undertaking a big program to eliminate violence against women.
3. Information about customs and culture should be given in the schools.
4. Negative and harmful customs should be identified and isolated. And efforts should be made to eliminate harmful and unlawful customs that create violence against women.
5. Religious scholars have the task of enlightening the Afghan people about Islamic beliefs and cultural customs and the differences between them.
6. Girls and women should be nurtured and given access to education as a good way to protect them against violence.
7. It is essential that the actions and behavior that impose violence on Afghan women and girls in the name of tradition should be recognized as crimes and that the court follow up, investigate, and punish offenders.
8. The *jirgas* and local *shuras* are recognized as the main structures for applying customary laws, and the effects of their decisions are very strong. Clear and specific rules should be made for taking decisions in *jirgas*, and all participants in a *jirga* should be held responsible for its decisions. *Jirgas* and *shuras* should consider including women in their structure. The direct participation of women can help reduce and eliminate violence against women.

GROUP FOUR

Topic 1: Are family courts in the provinces valuable and necessary?

It is necessary to establish at least one family court in the capitals and in each district of the provinces for the following reasons:

1. People in all parts of the country should have equal access to the courts.
2. The same family events requiring litigation in Kabul occur even more in the provinces.
3. If family courts are established in the provinces, they will make people more aware of their rights and responsibilities.
4. Establishing family courts in the provinces challenges the control of profiteers and criminals who interfere with the decent wishes and hopes of the people.
5. In many, many family cases in the provinces, the people involved are completely uneducated, and the cases are so brutal that family courts are needed to handle them.
6. At present harmful and illegal customs take precedence in many provinces over the laws of the country.
7. The Kabul family court lacks the capacity to review the family cases of the provinces.
8. Establishing family courts in the provinces and distributing effective information can reduce family litigation.
9. Female lawyers are needed by women involved in family litigation because women can not talk freely to male attorneys.

Topic 2: If not, what other possibilities exist or should be proposed?

No other court can resolve family litigation correctly. We agree unanimously that family courts should be established in the provinces and if possible in the districts too.

GROUP FIVE

Topic 1: Are defense lawyers necessary to defend women's rights?

The members of Group Five focused on the need for defense lawyers so that both plaintiff and defendant can be informed and benefit. Because of the lack of awareness of the right to have a defense attorney, however, defendants haven't taken advantage of the opportunity. In addition, although there is an office of legal aid in the high court, nobody is informed about it and what it does. For example, legal aid gives the defendant the right to defend himself in writing or orally, but defendants don't know they can defend themselves; and they don't know they need a defense lawyer to help them. Both the defendant and the accuser have a right to legal aid from the Supreme Court. If they don't trust the government attorney, they can choose another private attorney; but often this is not possible because of the cost. The government should clarify for everyone whether a defendant is entitled to a defense lawyer or not, and whether the defendant needs one. A basic problem for this discussion group is the question of whether a defendant has a right to a defense or not.

Topic 2: Can the work of courts and lawyers be coordinated?

Difficulties:
1. Economic hardship of the accuser and the defendant
2. Illiteracy and lack of awareness about the law and the rights of the accuser and the defendant.
3. Harmful customs, especially for women, that don't allow them to defend their rights.

Proposed solutions:
1. The court should explain issues of law and punishment to the plaintiff and the defendant and tell them that having an attorney is their right.
2. Inform people through the media about the rights of the plaintiff and the defendant and the advisability (for both male and female defendants) of having a defense lawyer.
3. Establish training and education centers to train defense lawyers in universities, government legal departments, and non-governmental organizations.
4. Provide defense lawyers to defend the human rights of the accused.
5. Establish compulsory literacy and legal education centers in the capital and most of the provinces.
6. Raise awareness about family rights through education centers and through mullahs in the mosques.
7. Establish and improve legal aid offices in the provinces.
8. Responsibility for making recommended improvements should be borne by the Ministry of Education, Ministry of Higher Education, Ministry of Pilgrimage, Ministry of Information and Culture, Ministry of Justice, Ministry of Women's Affairs, Supreme Court, Office of the President, and the Afghan Independent Human Rights Commission.

Recommendations for coordinating matters between courts and defense lawyers:
1. There should be good communication between the defense lawyer and the judicial staff and prosecutor and investigators.
2. Respect should be given to defense lawyers and facilities for their work should be provided.
3. Especially when a defense lawyer seeks files and documentation from the court and when the case goes before the court, the court should cooperate with the defense lawyer and provide the assistance required.
4. To increase the awareness of lawyers and the public there should be a publication to give information about the courts and court procedures.
5. Legal counseling centers should be established for government and non-government defense attorneys who are registered with the Ministry of Justice.
6. The legal aid section of the Supreme Court should establish offices in the provinces and more offices in Kabul.

Comments:
1. According to Articles 18 and 19 of the Interim Criminal Code and Article 31 of the Constitution, having a defense lawyer before and during the investigation is the right of the accused. Article 31 of the Constitution says in part: "Every person upon arrest

can seek an advocate to defend his rights or to defend his case for which he is accused under the law." Everyone has a right to take a defense lawyer to defend his/her rights.
2. According to Article 25 of the Constitution every person is presumed to be innocent.
3. Many defendants don't trust government lawyers and believe that only a private lawyer whom they pay will work for them.
4. Many defendants don't want to use government lawyers when they are prosecuted by the government or when their quarrel is with the government.

PART THREE: General Discussion

Statement by Participant: The first woman martyred for Islam was a woman, and the first person to become a Muslim was a woman: Khadija, the wife of the Prophet. So woman is not a second class creature in Muslim society. Some women say that in the present society men are the boss, and in every undertaking men are the leaders. Men are stronger physically than women. So God made them to be the president and to hold the position of head of the family, being responsible for its support. Men are employed in key posts of such heavy responsibility that they can do this work only by virtue of the strong power that God has given them. But some women also have this power, and whenever they are given responsibility and they are able to handle it, Islam also gives them the right to do this work, and society should not hide this fact.

Question from Participant: According to the Hanafi code, women can not become imams. Can you specify the reasons that women can not become imams?

Answer by Representative of Group Three: The reason is that women have special "female problems" that make them unsuited for the big job of being an imam. The imamate is clean and pure. It is beyond the responsibility of women.

Question from Participant: If a woman is "healthy" (i.e. past menstruation) can she be an Imam?

Answer by Representative of Group Three: Women because of their menstruation become mentally weak and also they become impatient. So, God doesn't allow them to become imams. Also women are not allowed to read *Khutba* or call to prayer (*Azan*), according to the Prophet, because women are weak physically and always busy with family difficulties and children. The position of the imam is very important and serious, and it is not given to women. But Islam permits a woman to lead prayers for other women. Islam raises no barriers to this.

Question from Participant: According to Islam, what parts of her body should a woman cover?

Answer by Participant: According to Islam the parts of the body that are allowed to be visible are the upper part of the face, the hands below the wrist, and the lower part of the feet. Except for these parts, no part should be visible but should be covered. The hair and the neck also should be covered completely so as not to catch another's eye

Statement by Participant: Whenever in Afghan society a man takes a second wife according to the law, we don't think badly of it. If a man can establish equality among his two or three wives, and if he has a lawful reason for taking multiple wives, such as the ill health or infertility of his first wife, in this case taking a second wife doesn't have a bad affect on women. But if a man takes a second or third wife because of his self-indulgence and he can not establish equality among them but rather discriminates among them, this is unlawful and forbidden. It has a bad affect of women. Our Prophet married a few women and established equality among them. His first objective was to rescue them from disaster and vulnerability. But if a man can not establish equality among his two or three wives, the law says that on the resurrection day this man will be paralyzed in the lower half of his body as evidence of his unequal treatment of his wives.

Question from Participant: Is the exchange of girls and women given in *Bad-la* allowed by Islam or not?

Answer by Participant: About *Bad-la* we should say that the exchange of a human for a human is seriously forbidden in Islam. But if a girl and a boy agree to marry, and at the same time the girl's brother and the boy's sister agree to marry, and if there is no financial issue involved in their marriage, then this arrangement is allowed in Islam.

Question from a representative of the Supreme Court: What have we learned from this workshop about safeguarding women's rights?

Answer by Participant: First of all, we will apply the points we learned in our families. Then we will try our best to provide effective programs in support of women rights. Also we will try our best to develop laws to support women's rights by working with the lawmakers.

Statement by Participant: The life of women in the provinces is worse than that of animals. Don't women have the right to a free life? These things should be said by mullahs and religious authorities. In many places we have seen that several women live together in one house like animals, and they are given a little food but no rights. They do not even have the right to speak. The girls have given in *Bad-la*, even girls of two-years-old. This is the great job of scholars: to teach people the rights of women and teach everyone about their own rights.

Statement by Participant: We don't want the rights of women in the West. We want our own rights. Our life should be good, but it is like hell. For example, I want to tell you about some research I've done in Kabul, Herat, Ghor and Faryab. I can tell you about eighteen year old girls who were beaten many times by their husbands and told by the courts of those provinces that they were sinful and must try to work things out by themselves. In another province they married a young girl who was in class five in school to a seventy year old man. She said that her husband threatened her and beat her many times and inflicted the greatest oppression on her, and when she went to court, the court said that because she is a woman she must obey her husband or lose her honor. A woman faced with great difficulties in her marriage still has no right to divorce, and if she becomes divorced, society curses her. As far as I know, women are

killed in different ways. For example, if a woman wants her rights from her brother, her brother kills her; or if she wants her right of inheritance from her father or her husband, these two kill her.

The family is one of Islam's pillars, but even in the family women are deprived of their rights. They don't even have the right to choose their husbands. And families care nothing for women's health. But families should give awareness to women about everything. Women should be able to go to school to improve their awareness about their rights and responsibilities in the family. Families that don't know about these issues must increase their level of knowledge.

Statement by Participant: For the correction of society, the law should apply equally to all people of the country. Whether the person who commits a crime is the president, another person in a high position, or an average citizen, the person should be punished according to the crime. In this way we can improve the administration of justice in the society.

Statement by Participant: In the provinces they marry a thirteen year old girl to a seventy year old man, and if she doesn't give birth to a baby they beat her. And if she wants to get a divorce, the judges in the provinces don't let her. They are afraid that if one woman gets a divorce, with or without a good reason, all the women will want to do the same. This has been my experience.

Question from Participant: Why do you women [participants] keep silent? Nobody gives you rights if you don't demand them. And if you women remain silent, how can you fulfill the responsibilities of the offices that society has given you? Our society is under the control of man. Everything is very positive for him under the law and under Sharia law because he has written these laws for himself. All the laws and all the interpretations of the laws are made by men for their own benefit.

Statement by Participant: The Koran establishes man as the guardian of woman: "Men are the protectors and maintainers of women, because Allah has given the one more strength than the other, and because they support them from their means. Therefore the righteous women are devoutly obedient..." It is clear that it is not for women to touch on Sharia.

Statement by Participant: This verse rightly understood does not mean that Islam gives man the right to rule over women. It means rather that Islam obliges man to respect women and to safeguard them. This verse of the holy Koran also says to men: "seek not against [women] means of annoyance."

PART FOUR: Manifesto

Introductory Statement by a Participant: Drawing on the work of the five discussion groups, we have prepared a manifesto with nine articles. These are positive suggestions for advancing justice and safeguarding women's rights in Afghanistan. Now women don't have rights in our society. To correct this situation we emerge from this workshop with some solutions that the government and national and international non-governmental organizations should implement. I hope that this manifesto will not be just a piece of paper. I hope that the Islamic Republic of Afghanistan will value it and put its recommendations into practice. Our Manifesto should go to the three branches of government—judicial, executive, and legislative—for everyone bears some responsibility to implement these recommendations which are a reflection of the wishes of the people. These suggestions come from educated men and women working with the justice system for the good of all the people of the country. To safeguard women's rights they must be put into action.

MANIFESTO

Of the Participants of the Workshop on the Role of the Judiciary in Safeguarding Women's Rights

Date: 6 hoot 1383 or 24 February 2005.

The Supreme Court, in cooperation with medica mondiale, is proud to hold a workshop with the full participation of our honored judges and lawyers on safeguarding the rights of women, the most vulnerable and oppressed part of our society. Members of this workshop after serious, scholarly discussions in five individual groups on the main topics of the workshop according to Islamic law and the Koran, the laws and Constitution of Afghanistan, the Universal Declaration of Human Rights and other laws, approved this manifesto and resolved upon the following points:

1. The government must establish throughout the country the rule of law in accordance with Islam through the Afghan Constitution, other national laws and regulations, and international documents such as the Universal Declaration of Human Rights and the Convention to Eliminate All Forms of Discrimination Against Women to which the government has agreed. The government should take action to eradicate harmful and discriminatory customs incompatible with Islam and the laws of the country, such as giving women in compensation which is forbidden by Article 517 of the Penal Code.

2. All corrupt customs such as giving women in compensation, the exchange of women and girls, forced marriages, and the inheriting of widows are forbidden in Islamic society, in accordance with the holy Koran, the Hadith, and Islamic laws, and all such customs must come to an end.

3. For the attainment of equality between men and women special family courts should be established in the capital, provinces, and districts. It is recommended that at least one female judge serve in each family court.

4. Non-responsible people must be disarmed to pave the way for establishing security throughout the entire country, preventing administrative corruption, and punishing law breakers.

5. All kinds of discrimination against women and violence against women should be eliminated according to the laws of Islam and the state.

6. Job opportunities should be created for women in order to improve the economy of their families.

7. Mother and child health clinics should be established in towns and villages.

8. Public awareness about the law and laws related to Islam should be raised through cultural counseling centers, mosques, and the mass media under the auspices of such interrelated government organs as the Ministries of Justice, Education, Higher Education, Pilgrimage, Women's Affairs, Information and Culture, and Office of the Attorney General.

9. Facilities should be established for building the capabilities of women in legal and cultural affairs.

Translated by: Vida Faizi
Edited by: Ann Jones

APPENDIX A: About medica mondiale

medica mondiale is a German NGO specializing in psychological, medical, and legal support to women survivors of military and family violence in post-conflict regions (Bosnia, Albania, Kosova). We expanded our work to Afghanistan late in 2001, and with the support of German Foreign Ministry funding opened our field office in Kabul in February 2002. The medica mondiale team in Kabul now comprises seven international staff and about thirty full time national project and support staff.

Our core programs include:

1. The Psychological Program, a project that offers one-to-one counseling for individual clients and capacity building in trauma-related issues for female professionals including midwives, medical doctors, psychologists and counselors. Activities range from teaching counseling and communication skills to trainings about psychosomatic and mental health problems related to experiences of traumatic events.
2. The Legal Aid Fund, a project that provides formal and in service training to defense lawyers in Kabul, Herat, and Kandahar; provides legal support to women in prison and management support to women's prisons; disseminates materials for community education on women's legal rights; and conducts family based negotiations to reintegrate women charged with honor and other crimes.
3. The Shelter Network Program, a project that offers training to staff of women's refuges in Kabul and Herat, and direct intervention in some cases; provides support and training to the Women's Resource Center and GTC Shelter in Herat and to local organizations, governments, NGOs and INGOs in Mazar-e Sharif; supports capacity building in NGOs planning to establish a resource center and shelter in Mazar-e Sharif; and conducts an ongoing series of national conferences to support development of a national network of resources and refuges for women at risk of violence.
4. Doctorane Omid: Returning Afghan Female Doctors Program, a program run in close collaboration with the Ministry of Health that brings Afghan/German women doctors, specially trained in helping traumatized women patients, to work with women and girls in Kabul hospitals and to provide support to their Afghan medical colleagues.
5. The Women's Rights and Lobby Program, a project that combines research into current social problems and practices affecting women's lives (Child Marriage, Suicide, etc.) with lobbying government ministries and institutions and non-governmental organizations on behalf of women's rights. The workshop "The Role of the Judiciary in Safeguarding Women's Rights" was organized chiefly by Ms. Sajia Behgam, Assistant Program Manager in this department, and supported by generous funding from UNHCR.

APPENDIX B:
Participants

Farida	Judge	Supreme Court
Khaja Atiqullah	Scrutiny Survey	Supreme Court
Homa	Student	Norway
Abdulsatar Habib	Scrutiny Survey	Supreme Court
Shaima Qasimi	Legal Advisor	RAWZANA
Kiramatullah Ballagh	Head of Civil Department	Supreme Court
M. Ahzim	Head of District 15 Court	Supreme Court
M. Nasim Kashaf	Judge in District 15 Court	Supreme Court
Nazifa	Scrutiny Survey	Supreme Court
Shakila Fahizi	Staff Member	Afghan Women Health and Rights Organization
M. Taruqe	Employee	Supreme Court
M. Arif	Judge	Global Rights
Habiba Rasuli	Judge, Legal Aid Department	Supreme Court
Karima Ahmadi	Judge, Security Department	Supreme Court
Nasrin Dost	Judge in Family Court	Supreme Court
Zahida Shahidi	Assistant of Security Section	UNHCR
Uzra Shirzad Assan Zoi	Judge, Security Department	Supreme Court
Gul Rahim Ahmadzai	Judge, Publications Department	Supreme Court
Shukria	Judge, Special Member of Security Department	Supreme Court
Nafisa Kabuli	Judge, Civil Department	Supreme Court
Abdul Afiz Alimi	Judge, District 9 Court	Supreme Court
Palwasha	Employee	Supreme Court
Mustafa Omar	Employee	Supreme Court
Nazifa	Employee	Supreme Court
Naqibullah	Employee	Supreme Court
Karima	Member, Legal Aid Department	Supreme Court
Ahmad Masoud Entezar	Member, Legal Aid Department	Supreme Court
Mr. Saifi	Judge, Legal Aid Department	Supreme Court
Basir Nadir	Researcher	AREU
Palwasha Kakar	Researcher	AREU
Abdul Rhaman	Judge	Supreme Court
Sari Kuovo	Gender Advisor	European Commission
Malia	Lawyer	Women and Children Legal Research Foundation
M. Edress	Judge, High Court of Kabul	Supreme Court
Talabudin Ghafari	Head, Qara Bagh Court	Supreme Court
Nasrin Amahdzai	Member, Special Court for Children	Supreme Court
Ghulam Rasoul Daqiq	Member, Traffic Department	Supreme Court
Qadria	Judge, Commercial Department	Supreme Court
Mir Najibullah	Head of Court, District 2	Supreme Court

Sayed Mir Ghazanfar	Judge, Security Department	Supreme Court
Abdur Rhaman	Head of Court, District 11	Supreme Court
Nisar Ahamad	Member, Civil Department	Supreme Court
Zulmai Hotak	Member, Women's Rights Section	AIHRC
Mahjan	Employee, Publications Dept.	Supreme Court
Abdul Ahad Ahmadi	Member, Criminal Department, High Court of Kabul	Supreme Court
Noor Mohammad Ahmadi	Judge, Bagram Court	Supreme Court
Wahidullah	Employee, Publications Dept.	Supreme Court
Dil Mohammad	Judge, High court of Kabul	Supreme Court
Abdul Qadir Habib	Member, Scrutiny Survey	Supreme Court
Gulalai Moushfiq	Judge	Supreme Court
Shalha Azrati	Staff, Scrutiny Survey	Supreme Court
Masouda Sahmandari	Staff, Administration Dept.	Supreme Court
Manizha Hasan	Judge, Special Court for Children	Supreme Court
M. Haroun	Member, Scrutiny Survey	Supreme Court
Aminullah Bismil	Member, Deh Sabz Court	Supreme Court
Abdul Hamid	Member, Legal Aid Department	Supreme Court
Mariam Suratgar	Member, Scrutiny Survey	Supreme Court
Noorzia	Employee	Supreme Court
Mukarama Akrami	Judge, Security Department	Supreme Court
Abdul Bahise	Member, District 11 Court	Supreme Court
Obidullah	Member, District 12 Court	Supreme Court
Mir Abdullah	Member, Security Department	Supreme Court
Farida Amiri	Staff, Publications Department	Supreme Court
Homa Yazdan Pana	Staff, Planning Department	Supreme Court
Abdul Baseer	Member, High Court	Supreme Court
Vida	Staff, Finance Department	Supreme Court
Sayeed Omar Nadri	Head of Court, District 6	Supreme Court
Rona	Staff, Special Court for Children	Supreme Court
Ahmad Saboor Ghafori	Head of Court, District 5	Supreme Court
Anisa Rasuli	Head of Special Court for Children	Supreme Court
Najibullah Maqsudi	Assistant	EUSR
Abdul Mateen	Officer, Education Department	Supreme Court
Abdul Rahim Taib	Judge, High Court	Supreme Court
Abdul Baset Bakhtiari	President, Criminal Court for Internal and External Security	Supreme Court
Abdul Qudose	Judge	Supreme Court
Abdul Hahris	Employee	Supreme Court

Facilitators

Karima Karimi	Trainer Education Department	AIHRC
Baba Kalan	Head of Court, Kapisa Province	Supreme Court
Aziza Sherbaz	Head of Women's Council	Supreme Court
Roya Rahmani	Director	Rights and Democracy
Zeba Haidari	Trainer Education Department	AIHRC
Ansarullah	Head of Public Security, High Court of Kabul	Supreme Court
Asifa Kakar	Judge, Security Department	Supreme Court
Shala Farid	Professor of Law	Kabul University
Homaira Haqmal	Professor	Kabul University
Karima	Judge, Security Department	Supreme Court

Scribes

Zahida Zahid	Student	Albironi University
Gulam Sakhi Frozish	Student	Kabul University
Yama Ahmadi	Student	Albironi University
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Masouda	Student	Mariam High School